THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7196 OF 1999

DATED 08th NOVEMBER, 2006

BETWEEN

E.Jayyanna and others

… Petitioners

and

The Collector and District Magistrate, Kurnool, Kurnool District and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7196 OF 1999

ORDER:

The petitioners are allegedly residents of Gudur village and Mandal of Kurnool District. They obtained residence certificate from the Mandal Revenue Officer (MRO), Gudur, so as to claim membership of Toddy Tappers Cooperative Society, Gudur. It appears the Secretary of the said Society gave a complaint to the second respondent alleging that the petitioners are not residents of Gudur village. The later, then submitted a report on 08.08.1998, whereupon the first respondent cancelled the residence certificates given to the petitioners earlier. Aggrieved by the proceedings of the first respondent, dated 05.03.1999, the petitioners filed the present writ petition seeking its invalidation.

Learned counsel for the petitioners placed reliance on the decision of this Court in **Duda Ramesh v State of Andhra Pradesh**[1], and submits that the impugned order is unsustainable for want of notice to the petitioners. The learned Assistant Government Pleader for Revenue (General-A) does not dispute legal position nor he was able to dispute that no notice was given to the petitioners before cancelling residence certificate. In view of the above, impugned order cannot be sustained and the same is set aside. It shall, however, be open to the Mandal Revenue Officer to conduct enquiry after giving notice to the petitioners and submit a report to the District Collector for appropriate action in the matter.

The writ petition is accordingly allowed. No costs.

(V.V.S.RAO,J)

08.11.2006.
pln

[1] 2005 (2) ALT 773